

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|                                |   |                     |
|--------------------------------|---|---------------------|
| In the Matter of               | ) |                     |
|                                | ) |                     |
| Advanced Methods to Target and | ) | CG Docket No. 17-59 |
| Eliminate Unlawful Robocalls   | ) |                     |

**COMMENTS OF  
THE AD HOC TELECOM USERS COMMITTEE**

The Ad Hoc Telecom Users Committee (“Ad Hoc”) submits these comments in response to USTelecom’s Petition for Reconsideration and Request for Clarification in the instant docket (the “*USTelecom Petition*”) regarding certain call blocking requirements adopted in the Commission’s Fourth Report and Order.<sup>1</sup>

**BACKGROUND**

Ad Hoc is a longstanding organization of corporate enterprise customers that individually and collectively purchase large quantities of wireline and wireless telecommunications and information services. Its membership includes companies from a wide variety of industries including financial services, insurance, shipping and logistics, and energy. Ad Hoc neither admits as members nor accepts any funding from telecommunications carriers or manufacturers of telecommunications equipment.

Since the Commission permitted carriers to expand their call blocking activities,<sup>2</sup>

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<sup>1</sup> *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Fourth Report and Order, 35 FCC Rcd 15221 (2020) (“*Fourth Report and Order*”).

<sup>2</sup> See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd 9706 (2017) (“*2017 Order and FNPRM*”) at 9710-21, ¶¶10-40; *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Declaratory Ruling and Third Further Notice of Proposed Rulemaking, 34 FCC Rcd 4876 (2019) at

Ad Hoc members have suffered a troubling increase in carrier blocking of their lawful outbound calls. As Ad Hoc has stated throughout this proceeding, it is vital that carriers clearly and immediately notify callers when their calls are blocked; without this notice, legitimate callers have no way of knowing whether their calls are completed or whether they need to pursue redress.<sup>3</sup> Accordingly, Ad Hoc supported the Commission's decision requiring carriers to immediately notify callers when their calls are blocked with a specific SIP or ISUP code.<sup>4</sup> This simple requirement gives legitimate callers necessary insight into their customer contact success rates, helps the Commission achieve the TRACED Act's directive to provide customers with transparency and effective redress options,<sup>5</sup> and ensures that carriers can effectively balance the important responsibility of limiting illegal robocalls with the Communications Act's mandate to complete all legitimate calls.<sup>6</sup>

In response to the USTelecom Petition, Ad Hoc reiterates a number of our prior requests: First, the Commission should require that carriers clearly and consistently notify callers when they block calls by using a single, uniform notification method.<sup>7</sup> Introducing carrier discretion as to the type of notification will

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4883-92, ¶¶22-47; *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking, 35 FCC Rcd 7614 (2020) ("July 2020 Report and Order and FNPRM") at 7622-39, ¶¶18-70.

<sup>3</sup> Comments of Ad Hoc on the July 2020 Report and Order and FNPRM (filed Aug. 31, 2020) ("Ad Hoc Aug. 2020 Comments") at 9-10; Reply Comments of Ad Hoc on the July 2020 Report and Order and FNPRM (filed Sept. 29, 2020) at 3; Comments of Ad Hoc on the Dec. 20, 2019 Public Notice (filed Jan. 29, 2020) ("Ad Hoc Jan. 2020 Comments") at 2-3; Comments of Ad Hoc on the 2017 Order and FNPRM (filed Feb. 22, 2018) ("Ad Hoc 2018 Reply Comments") at 3-4.

<sup>4</sup> Fourth Report and Order at 15239, ¶52 and 15240-42, ¶¶56-60.

<sup>5</sup> 47 U.S.C. § 227(j)(1)(A)-(B).

<sup>6</sup> *Ad Hoc Aug. 2020 Comments* at 9-10.

<sup>7</sup> *Ad Hoc Jan. 2020 Comments* at 4-7; *Ad Hoc 2018 Reply Comments* at 3-7.

only increase confusion for legitimate callers. Second, call blocking notification should occur no matter how a number is blocked. Blocking is still a relatively new concept, and inadvertent blocking could occur regardless of whether the blocking happens based on reasonable analytics, a call recipient's chosen blocking mechanism, or some other factor. Finally, carriers are welcome to negotiate unique, additional blocking notification approaches with enterprise customers, but must always offer—without charge—the ability to notify all call originators when their calls are blocked.

**I. FLEXIBILITY AS TO THE METHOD OF BLOCKING NOTIFICATION IS INAPPROPRIATE AND WILL ONLY INCREASE CONFUSION FOR LEGITIMATE CALLERS**

The FCC should not afford carriers additional flexibility to pick and choose their preferred methods of blocking notification. Rather, the Commission should continue to require carriers to transmit a distinct call blocking indicator. Because the Fourth Report and Order only asked carriers to satisfy a single, simple notification standard—one which carriers do not even have to implement until January 1, 2022<sup>8</sup>—USTelecom's request for "additional flexibility" is unwarranted and threatens to undermine the Commission's underlying policy goals. The FCC expressly declined to require multiple methods of notification and selected only the specific SIP/ISUP code method to reduce the burden on voice service providers.<sup>9</sup> Moreover, legal callers should not be expected to navigate a maze of call blocking notification methods to determine whether or not their calls are completed as dialed.

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<sup>8</sup> Fourth Report and Order at 15242, ¶61.

<sup>9</sup> *Id.* at 15242, ¶60.

Ad Hoc reiterates that transmission of a unique, real-time, per-call indicator when calls are blocked is the only truly effective way for callers to differentiate blocked calls from unanswered calls, busy signals, or declined calls and to take steps to remediate erroneous blocks.<sup>10</sup> USTelecom's request for additional carrier flexibility regarding the method of blocking notification does not allow the FCC to achieve the TRACED Act's directive to provide callers with transparency and effective redress. Carriers currently have such flexibility and the result is that legal callers face confusion as to (i) whether their calls are completed or blocked, and (ii) the methods by which they may seek redress if they discover an inappropriately blocked call. Ad Hoc members' experiences continue to reveal that callers are *not* receiving any clear notification if or when calls are blocked. One member reported that a large number of its outbound calls were recently plagued with recurring disconnections, continuous ringing, or silence. The member company naturally suspected a connectivity issue and reached out to its originating service provider, learning only then that the affected calls were being blocked. None of those "indicators" could have informed the caller that its calls were blocked and that it needed to pursue remedial action. Members also continue to report difficulty receiving carrier remediation—an issue likely compounded by the carrier representatives' inability to recognize whether a disconnection, continuous ringing, or silence falls under the existing variety of call blocking notification methods. But a single, clear method of call blocking notification as required by the Commission would eliminate existing caller and carrier confusion. USTelecom presents no viable rationale for why the Commission should reverse the decision in the Fourth Report and Order to require carriers to return specific SIP or ISUP codes when blocking calls.

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<sup>10</sup> *Ad Hoc Aug. 2020 Comments* at 9-10.

The return codes specified for carrier identification of blocked calls—SIP code 607 (calls unwanted by the recipient), SIP code 608 (calls rejected by an intermediary party that is not the recipient), and ISUP code 21 (for use in TDM networks)—are simple, common standards available to all carriers.<sup>11</sup> USTelecom’s primary concern with the Commission’s requirement for standardized identification of blocked calls appears to be that the final work needed to operationalize SIP return codes 607 and 608 as related to their interface with TDM has not been completed by the Internet Engineering Task Force (“IETF”). While true that SIP codes 607 and 608 are not yet active, the standards themselves are not particularly complex, nor are they the FCC’s novel creation. The USTelecom Petition provided no evidence indicating that carriers will be unable to meet the January 2022 notification implementation date from a technical perspective. Rather, USTelecom seems to indicate that its carrier members simply do not *want* to have to complete the work required to finalize operationalization by the implementation date. But unless USTelecom or other voice service providers submit evidence indicating that the issues underlying the specified standards are insurmountable leading up to January 1, 2022, the Commission should not throw out the standard it sensibly adopted.

Recognizing that the illegal-call-filtering ecosystem will function best when all participants speak the same call-blocking-signal language, Ad Hoc acknowledges that where there is actual evidence that individual carriers cannot satisfy the standard, it would be sensible for the Commission to allow a reasonable extension of the implementation date on a case-by-case basis. Such an approach would be considerably

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<sup>11</sup> See E.W. Burger & B. Nagda, RFC 8688, *A Session Initiation Protocol (SIP) Response Code for Rejected Calls*, IETF (Dec. 2019), <https://tools.ietf.org/pdf/rfc8688.pdf>; Schulzrinne, H., RFC 8197, *A SIP Response Code for Unwanted Calls*, IETF (July 2017), <https://www.rfc-editor.org/rfc/pdf/rfc8197.txt.pdf>.

more prudent than dropping the not-yet-implemented standard to afford carriers complete flexibility in satisfying their modest obligations, as the USTelecom Petition requests. But such an extension should not be granted prematurely: the USTelecom Petition comes only five months into the twelve-month period that the Commission gave carriers to implement the new notification requirement. If near the end of this year the carriers can demonstrate that despite good faith efforts to comply they are unable to implement the new signaling requirements, it may then be appropriate for the Commission to grant a short extension of the deadline—but only to those carriers that are truly unable to implement the signaling communication within their networks and who have provided concrete evidence of their efforts and inability to satisfy the requirements.

Ad Hoc agrees with USTelecom on one significant point: if certain voice service providers adopt the drastic and unlikely option of choosing not to block any suspected illegal robocalls out of fear that they cannot comply with the Commission's SIP/ISUP return code requirement, the system has a problem.<sup>12</sup> However, the solution at this time is not to upend the requirements adopted and instead allow carriers to notify callers when calls are blocked based on whatever requirements they determine are appropriate.

## **II. VOICE SERVICE PROVIDERS SHOULD NOTIFY CALLERS WHENEVER CALLS ARE BLOCKED, REGARDLESS OF HOW THE BLOCKING OCCURS**

Ad Hoc disagrees with USTelecom's proposal that carriers should only need to notify callers of blocking where blocking occurs based on the carriers' analytics. Callers should be notified when their calls are blocked regardless of how or why the blocking occurs.

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<sup>12</sup> USTelecom Petition at 4.

Permissible blocking of suspected illegal calls is still new and may be subject to error, regardless of the underlying screening mechanism.

As the Commission noted, immediate blocking notification is vital so that callers can use alternative means to contact their customers with critical information when they cannot connect by phone.<sup>13</sup> Regardless of whether call blocking occurs based upon reasonable analytics, the call recipient's choice, or misapplication of a filter applied to screen for do-not-originate numbers, the caller should still be permitted to learn if and why their call was not completed. More importantly, that caller needs to know whether it must take a different action to contact its customer, particularly if calling about a time or content-sensitive issue. For example, the following entities must be made aware if their call is blocked so that they can contact the customer at issue by other means as soon as possible:

- a financial institution calling to inform a customer of potentially fraudulent activity,
- an insurance company calling to inform a policy holder of an update in response to an emergency-based claim,
- a shipping or logistics company calling to schedule a delivery,
- a manufacturing company calling customers to inform them that a product has been deemed defective or dangerous, and
- a utility company calling to notify customers of a water-boil advisory.

As Ad Hoc has stated, time is of the essence for many enterprise customers contacting their consumers in order to maintain public safety, economic well-being, and reputational trust.<sup>14</sup>

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<sup>13</sup> Fourth Report and Order at 15239, ¶53.

<sup>14</sup> *Ad Hoc Aug. 2020 Comments* at 18.

In the Fourth Report and Order, the Commission clearly stated that terminating voice service providers *that block calls* must notify callers immediately when a call is blocked.<sup>15</sup> The Commission could have chosen to apply this mandate based on blocking methodology, but it did not. Instead, the Commission applied the blocking notification requirement end to end, requiring all voice service providers in the call path to transmit signaling codes so that callers can learn when their calls are blocked and can then seek appropriate redress.<sup>16</sup> If, as USTelecom notes, carriers are already concerned about implementing signaling, it logically follows that it would be more difficult to pick and choose under what conditions to apply a blocking signal than to apply the same signal end to end, regardless of the method of blocking. And as the blocking ecosystem is still developing, notifying callers when calls are blocked and receiving feedback in the event of inadvertent blocking will only help to improve carriers' analytics and other screening methods. Regardless of carrier preference or benefit, and contrary to USTelecom's position, legitimate callers rightfully have an expectation that their calls will be completed as dialed and that they will be notified if their calls are blocked, no matter how or why the blocking occurs.

**III. CARRIERS MAY NEGOTIATE WITH ENTERPRISE CUSTOMERS FOR ADDITIONAL BLOCKING-RELATED SERVICES, BUT THEY MUST ALWAYS OFFER UNIQUE, PER-CALL BLOCKING NOTIFICATION AS A BASELINE**

Nothing in the Fourth Report and Order prevents voice service providers from raising the call blocking notification and remediation service "ceiling" for any type of customer, residential or enterprise, so long as those carriers satisfy the floor of clear, immediate, per-call blocking notification for all callers. Many enterprise customers,

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<sup>15</sup> Fourth Report and Order at 15238, ¶49.

<sup>16</sup> *Id.* at 15239, ¶52.



including Ad Hoc members, would happily work with carriers to ensure that blocking notification signals are transmitted and processed through their systems appropriately. But while enterprise customers may need to update or upgrade certain systems,<sup>17</sup> carriers should not use the Commission’s call blocking notification requirements to compel customers to purchase any type of “value-added” blocking-related service as a condition of or corollary to system modernization.

Contrary to USTelecom’s position, the TRACED Act grants the Commission full legal authority to dictate certain terms of relationships between originating providers and customers with respect to call blocking—namely, by specifying that the Commission take action:

“to ensure the robocall blocking services provided on an opt-out or opt-in basis pursuant to the Declaratory Ruling of the Commission in the matter of Advanced Methods to Target and Eliminate Unlawful Robocalls... are provided with transparency and effective redress options for both... [] consumers; and [] callers; and... are provided with... no additional charge to callers for resolving complaints related to erroneously blocked calls.”<sup>18</sup>

The Fourth Report and Order’s specification that carriers notify callers when calls are blocked is issued in compliance with the TRACED Act’s directive. *Additional* notification *beyond* the Commission’s blocked call signaling requirement may be determined by the carrier-customer contractual relationship, but the baseline notification delivered via SIP or ISUP signal, provided free of charge, must remain an option for all customers.

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<sup>17</sup> See *Id.* at 15240, FN 131 (noting that callers may need to make upgrades to their systems to ensure that they receive the call blocking signaling codes and encouraging originating carriers to work with enterprise customers to ensure that these codes are properly passed).

<sup>18</sup> 47 U.S.C. § 227(j).

## CONCLUSION

The Commission should retain the Fourth Report and Order's requirement for carriers to clearly and consistently notify callers when they block calls with a uniform signaling method. To the extent that carriers provide evidence indicating that use of the specified signals by the implementation deadline is not feasible, the Commission should consider granting carriers a limited time extension, not flexibility to determine their preferred method of blocking notification. In addition, the Commission should confirm that carriers must transmit notice of call blocking no matter how the blocking occurs. Finally, while carriers may negotiate unique, additional blocking notification approaches with enterprise customers, they must consistently notify all call originators when their calls are blocked without charge.

Respectfully submitted,



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